

NAME TONY MABRY

PRISON NUMBER D-90450

FILING FEE PAID	
Yes	No <input checked="" type="checkbox"/>
IF MOTION FILED	
Yes	No <input checked="" type="checkbox"/>
COPIES SENT TO	
Court <input checked="" type="checkbox"/>	Prison <input checked="" type="checkbox"/>

FILED	
MAY 27 2008	
CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA	
BY <i>[Signature]</i>	DEPUTY

CURRENT ADDRESS OR PLACE OF CONFINEMENT P.O. BOX 5004, Calipatria State Prison:

CITY, STATE, ZIP CODE Calipatria, CA. 92233

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

TONY MABRY

(FULL NAME OF PETITIONER)

PETITIONER

v.

L.E. Scribner (Warden)

(NAME OF WARDEN, SUPERINTENDENT, JAILOR, OR AUTHORIZED
PERSON HAVING CUSTODY OF PETITIONER [E.G., DIRECTOR OF THE
CALIFORNIA DEPARTMENT OF CORRECTIONS])**RESPONDENT**

and

The Attorney General of the State of
California, Additional Respondent.

'08 CV 0965 BEN LSP

Civil No

(TO BE FILLED IN BY CLERK OF U.S. DISTRICT COURT)

PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2254

BY A PERSON IN STATE CUSTODY

HILL v. ALASKA, 297 F.3d 895, 897

(9TH Cir. 2002):

First Challenge to term
computation & release date:

1. Name and location of the court that entered the judgment of conviction under attack:
Riverside County Superior Court:
2. Date of judgment of conviction: 4-17-91
3. Trial court case number of the judgment of conviction being challenged: CR37941
4. Length of sentence: 42 yrs. 8-months:

5. Sentence start date and projected release date: Start: 6-11-1991
projected release date 12-2-2018
6. Offense(s) for which you were convicted or pleaded guilty (all counts):
(PRINCIPAL-TERM/Count-4 246 PC) (Subordinate term/Cnt. 1/187
PC) (Count 2/12021) (667)
7. What was your plea? (CHECK ONE)
 (a) Not guilty ☒
 (b) Guilty ☐
 (c) Nolo contendere ☐
8. If you pleaded not guilty, what kind of trial did you have? (CHECK ONE)
 (a) Jury ☒
 (b) Judge only ☐
9. Did you testify at the trial?
☒ Yes ☐ No

DIRECT APPEAL

10. Did you appeal from the judgment of conviction in the California Court of Appeal?
☒ Yes ☐ No
11. If you appealed in the California Court of Appeal, answer the following:
 (a) Result: N/A HILL V. ALASKA
 (b) Date of result (if known): _____
 (c) Case number and citation (if known): E009598 4TH. Appell. Dist.
 (d) Names of Judges participating in case (if known) _____

 (e) Grounds raised on direct appeal: _____
N/A

12. If you sought further direct review of the decision on appeal by the California Supreme Court (e.g., a Petition for Review), please answer the following:
 (a) Result: _____
 (b) Date of result (if known): _____
 (c) Case number and citation (if known): N/A A-D

 (d) Grounds raised: _____

13. If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to that petition:

- (a) Result: _____
- (b) Date of result (if known): _____
- (c) Case number and citation (if known): _____
- (d) Grounds raised: _____
- N/A

COLLATERAL REVIEW IN STATE COURT

14. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the California Superior Court?

☐ Yes ☐ No

15. If your answer to #14 was "Yes," give the following information:

- (a) California Superior Court Case Number (if known): _____
- (b) Nature of proceeding: _____
- (c) Grounds raised: _____
- N/A
- (d) Did you receive an evidentiary hearing on your petition, application or motion?
☐ Yes ☐ No
- (e) Result: _____
- (f) Date of result (if known): _____
- N/A

16. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the California Court of Appeal?

☐ Yes ☐ No

N/A

17. If your answer to #16 was "Yes," give the following information:

- (a) **California Court of Appeal** Case Number (if known): _____
- (b) Nature of proceeding: _____
- (c) Names of Judges participating in case (if known): _____
- (d) Grounds raised: N/A
- (e) Did you receive an evidentiary hearing on your petition, application or motion?
☐ Yes ☐ No
- (f) Result: _____
- (g) Date of result (if known): _____

18. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the **California Supreme Court**?
☐ Yes ☐ No

19. If your answer to #18 was "Yes," give the following information:

- (a) **California Supreme Court** Case Number (if known): _____
- (b) Nature of proceeding: _____
- (c) Grounds raised: N/A
- (d) Did you receive an evidentiary hearing on your petition, application or motion?
☐ Yes ☐ No
- (e) Result: N/A
- (f) Date of result (if known): _____

20. If you did **not** file a petition, application or motion (e.g., a Petition for Review or a Petition for Writ of Habeas Corpus) with the **California Supreme Court** containing the grounds raised in this federal Petition, explain briefly why you did not:

Im challenging my first term computation under Hill v. Alaska: release date/illegal commitment:

This is (NOT) A conviction issue:

COLLATERAL REVIEW IN FEDERAL COURT

21. Is this your **first** federal petition for writ of habeas corpus challenging this conviction?
- ☐ Yes ☒ No (If "YES" SKIP TO #22)
- (a) If no, in what federal court was the prior action filed? U.S.D.C. Southern Dist.
- (i) What was the prior case number? 08cv0467-JM-(AJB)
- (ii) Was the prior action (CHECK ONE):
- Denied on the merits? ☐
- Dismissed for procedural reasons? ☒
- (iii) Date of decision:
- (b) Were any of the issues in this current petition also raised in the prior federal petition?
- ☒ Yes ☐ No
- (c) If the prior case was denied on the merits, has the Ninth Circuit Court of Appeals given you permission to file this second or successive petition?
- ☐ Yes ☐ No

CAUTION:

- **Exhaustion of State Court Remedies:** In order to proceed in federal court you must ordinarily first exhaust your state court remedies as to each ground on which you request action by the federal court. This means that even if you have exhausted some grounds by raising them before the California Supreme Court, you must first present **all** other grounds to the California Supreme Court before raising them in your federal Petition.
- **Single Petition:** If you fail to set forth all grounds in this Petition challenging a specific judgment, you may be barred from presenting additional grounds challenging the same judgment at a later date.
- **Factual Specificity:** You must state facts, not conclusions, in support of your grounds. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do. A rule of thumb to follow is — state who did exactly what to violate your federal constitutional rights at what time or place.

REMEDIES FOR:

(E X H A U S T I O N)

Due to the fact that on the face of the petition petitioner raises a first challenge to his (First-Term-Computation) & (Release-Date) under: HILL v. ALASKA:

The application for authorization to file a second or successive 28 U.S.C. 2254 habeas corpus petition in a district court is denied as unnecessary due to the extent petitioner raises a first challenge to the calculation of his release date, which is not a second or successive petition under 28 U.S.C. 2244(b)(3)(A).

SEE: HILL V. ALASKA, 297 F.3d 895, 897 (9TH. Cir. 2002)

Petitioners Responsive Burden:

Also petitioner is in the hopes that he is properly before this "Southern District Of California" in which a sentence is being executed, the district of confinement is the preferable forum. See Dunn v. Henman, 875 F.2d 244, 249 (9TH. cir 1989) (Stating, in 28 U.S.C. 2241 action, that the proper forum to challenge the execution of a sentence is the district where the prisoner is confined.); Russo v. Newland, 2000 WL 194892, *1 (N.D.CAL.); accord, In re Phelon, 2002 WL 31618536, *1 (N.D.CAL.); Thomas v. Hepburn, 2001 WL 505916, *1 (N.D.CAL.); McKnight v. Forman, 1997 WL 50267, *1 (N.D.CAL.).

Therefor, under Rule (9) of the rules governing 2254 petitioner "PRAYS" that he is properly before this court.

GROUND FOR RELIEF

22. State *concisely* every ground on which you claim that you are being held in violation of the constitution, law or treaties of the United States. Summarize *briefly* the facts supporting each ground. (e.g. what happened during the state proceedings that you contend resulted in a violation of the constitution, law or treaties of the United States.) If necessary, you may attach pages stating additional grounds and/or facts supporting each ground.

(a) **GROUND ONE:** Were petitioners 5TH. Amendment Rights violated when (CDCR) case analyst subjected pet. to successive (in-error) "parole-date" computations ?

Supporting FACTS: There were 5-amended (un-verified) (AOJ)

" Abstract Of Judgment" hearings all with term computations resulting in erroneous conflicting calculations. Subjecting petitioners release-date to be computed by (CDCR) case analyst in error for 17-years. Dept. of Corrections/LPU-Legal Processing Unit, used the same in error legal-documentation for over 8-yrs. & present due to never attaining 5-different sets of (minute orders & sentencing transcripts) to determine an accurate parole date for petitioner after each hearing². Rendering the amended (abstracts) to be invalid & "only" documents used to be conducive to petitioners confinement & (NOT) to the accuracy of his parole-date. Severly violating pet. U.S. Const. 5TH. Amendment Rights:¹See appendix: A-1, 2, 3, 4 & ¹app: B-1, 2, 3, 4- for invalid (AOJ'S) & documents providing scrutiny for un-verification-retired Judge (Macomber) during amendment hearings - calendar day for (12-9-99/no hearings)²See app: C 8+yrs worth of "LPU" notices of in error legal documents....

5-8-14TH U.S.C.A.

Did you raise **GROUND ONE** in the California Supreme Court?

☐ Yes ☐ No. N/A **HILL V. ALASKA**, 297 F.3d 895, 897 (9TH. Cir 2002)

If yes, answer the following: **First Challenge To Term Computation & Release Date:**

(1) Nature of proceeding (i.e., petition for review, habeas petition): N/A

(2) Case number or citation: N/A

(3) Result (attach a copy of the court's opinion or order if available): N/A

- (b) **GROUND TWO:** Were petitioners U.S. Const. 8TH. Amendment Rights violated when CDCR-case analyst discovered that they were computing petitioners (term/release date-in error) knowingly ?

Supporting FACTS: Petitioners term should ave been terminated by (10-13-95) being that (CDCR) case analyst had (NOT) been able to (RECORD) a legitimate release date for petitioner during his first 5-years of detention.¹ Instead (LPU) case analyst continued to accept (invalid-still in error) legal documentation² causing petitioner to be subjected to cruel & unusual punishment multiple times over.³

U.S. Constitutional 8TH. Amendment

- ¹ See appendix: C-2...To view Dept. of Corrections/LPU-10-13-95 notice of (NOT) getting legal documents in time to record petitioners term...² See app. C-5: To view 8-6-98/Legal Status Summary printout unveiling case records analyst being aware of errors well after (10-13-95)...² See app.: B-4: For 12-13-95-AOJ-document, still in error after "LPU-notice"...³ See all of appendix-C : To view a (recorded) time line of how long pet. release date been in error (knowingly) by the Dept. Of correct. (1992-to-1999)... See prison case file to see that current 2008 Legal Status Summary Printout still recognizing error in term...

5-8-14TH. U.S.C.A

Did you raise **GROUND TWO** in the **California Supreme Court**?

- ☐ Yes ☐ No. N/A **HILL v. ALASKA**, (9TH. Cir 2002) First challenge to If yes, answer the following: term computation & release date:

- (1) Nature of proceeding (i.e., petition for review, habeas petition): N/A
 (2) Case number or citation: N/A
 (3) Result (attach a copy of the court's opinion or order if available): N/A

- (c) **GROUND THREE:** Was petitioner illegally committed into CDCR & term computed in error by way of "NON-legally" invalid "Abstract Of Judgment" documents ??? (FORGERIES) ????

Supporting FACTS: (6-6-91/AOJ) documents have no red filing stamps on either form that were used to commit petitioner into (CDCR) (6-11-91). The form recording the indeterminate-sentence is (NOT) an actual "1213.5 CR 292/document. This same invalid document was used again (May 26, 1992) & CDCR excepted both May 26, 1992/AOJ documents & re-computed petitioners term without a minute order & sentencing transcripts, to verify the validity of the 1992/AOJ'S.¹

Not one set of AOJ-documents that have ever been used to hold pet. in CDCR, have (ALL) the red-filing stamps/written signatures/filing date stamp in upper right corner/stamp signature of name, on the entirety of anyone of the AOJ'S being used by CDCR, to hold petitioner in their custody.² ² See app. A, B & D

¹See appendix D-1, 2, 3: For both invalid NON 1213.5 forms & invalid/6-6-91/DSL 290 form: See app.¹ B-1: For invalid 5-26-92 DSL 290-form, no red filing stamps, that accompanied the invalid/NON 1213.5/5-26-92 form; (ALL) having conflicting signatures & dates of signing witnessing parties.

¹See prison case file/CDC112, to see term recomputed 7-21-92 by way of invalid (5-26-92) AOJ-documents....

5-8-14TH. U.S.C.A.

Did you raise **GROUND THREE** in the **California Supreme Court**?

☐ Yes ☐ No. N/A **HILL v. ALASKA** (9TH Cir 2002): First challenge
If yes, answer the following to term computation & release date:

- (1) Nature of proceeding (i.e., petition for review, habeas petition): N/A
- (2) Case number or citation: N/A
- (3) Result (attach a copy of the court's opinion or order if available): N/A

FOUR

- (c) **GROUND**: Is this scheme unconstitutional when (CDCR) violates their own term computation policy when rearranging the terms recorded on the commitment documents

???

Supporting FACTS:

(CDCR) computed petitioners term in a manner that should (NOT) have proceeded his release-date beyond the original principal term of 7-yrs.¹

(CDCR'S) own realignment of pet. term/computation³, after admitting to (NOT) being able to process pet. commitment documents on time², allows for (CDCR'S) continued computation of petitioners entire-terms in error, despite the in-admissibility due to "time-constraints":

- 1" See Appendix: "B-1" & "D-3": for petitioners 7 yr. term...
- 2" See app: "C-2"...For CDCR'S admittance of not being able to record pet. commitment documents on time....
- 3" See app: "C-4 & 5"...To view CDCR'S realignment of petitioners term-computation....

Upon a prisoners commitment, (CDCR) case analyst must compute pet. term by way of Abstract Of Judgment documents as well as sentencing transcripts:⁴

(Computating term by way of (OPINION/S) IS UN-CONSTITUTIONAL): SEE PETITIONERS PRISON CASE FILE FOR 1992 & 1994-OPINIONS-USED TO COMPUTE PET. TERM....

(CDCR) must (NOT) change the term recorded on the Abstract of Judgment:⁴

- 4" PER DOM (CDCR):

Did you raise GROUND THREE in the California Supreme Court?

☐ Yes ☐ No. N/A HILL V. ALASKA (9TH Cir 2002) First challenge

To term-computation & release date:

If yes, answer the following:

- (1) Nature of proceeding (i.e., petition for review, habeas petition):
- (2) Case number or citation:
- (3) Result (attach a copy of the court's opinion or order if available):

23. Do you have any petition or appeal **now pending** in any court, either state or federal, pertaining to the judgment under attack?

☐ Yes ☐ No

N/A

24. If your answer to #23 is "Yes," give the following information:

(a) Name of Court: _____

(b) Case Number: _____

(c) Date action filed: _____

(d) Nature of proceeding: _____

(e) Name(s) of judges (if known): _____

(f) Grounds raised: _____

(g) Did you receive an evidentiary hearing on your petition, application or motion?

☐ Yes ☐ No

25. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At preliminary hearing: _____

(b) At arraignment and plea: _____

(c) At trial: _____

(d) At sentencing: _____

(e) On appeal: _____

(f) In any post-conviction proceeding: _____

(g) On appeal from any adverse ruling in a post-conviction proceeding: _____

26. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

☐ Yes ☐ No

N/A

27. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

☐ Yes ☐ No

(a) If so, give name and location of court that imposed sentence to be served in the future:

(b) Give date and length of the future sentence: _____

N/A

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

☐ Yes ☐ No

N/A

28. Consent to Magistrate Judge Jurisdiction

In order to insure the just, speedy and inexpensive determination of Section 2254 habeas cases filed in this district, the parties may waive their right to proceed before a district judge and consent to magistrate judge jurisdiction. Upon consent of all the parties under 28 U.S.C. § 636(c) to such jurisdiction, the magistrate judge will conduct all proceedings including the entry of final judgment. The parties are free to withhold consent without adverse substantive consequences.

The Court encourages parties to consent to a magistrate judge as it will likely result in an earlier resolution of this matter. If you request that a district judge be designated to decide dispositive matters, a magistrate judge will nevertheless hear and decide all non-dispositive matters and will hear and issue a recommendation to the district judge as to all dispositive matters.

You may consent to have a magistrate judge conduct any and all further proceedings in this case, including the entry of final judgment, by indicating your consent below.

Choose only one of the following:

☒ Plaintiff consents to magistrate judge jurisdiction as set forth above.

OR

☐ Plaintiff requests that a district judge be designated to decide dispositive matters and trial in this case.

29. Date you are mailing (or handing to a correctional officer) this Petition to this court: _____

MAY 18TH 2008

Wherefore, Petitioner prays that the Court grant Petitioner relief to which he may be entitled in this proceeding.

SIGNATURE OF ATTORNEY (IF ANY)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

5-18-08

(DATE)

Tony Mabry

SIGNATURE OF PETITIONER

(PRAYER FOR RELIEF)

1. Petitioner "PRAYS" that this Honorable-Court grant him relief from being illegally confined.
2. Petitioner request that it be (notarized) that he's been illegally committed into & confined by the "Department Of Corrections-CDCR".
3. Petitioner "PRAYS" that this Honorable Court "specify" all civil-rights violations that were committed against him.
4. Petitioner "PRAYS" that this court "specifies" that CDCR has been calculating his term in error with unverified documents.

Respectfully Submitted:

Tony Mabry
11

VERIFICATION

STATE OF CALIFORNIA COUNTY OF IMPERIAL

(C.C.P. SEC.446 & 201.5; 28 U.S.C. SEC. 1746)

I, TONY MABRY DECLARE UNDER PENALTY OF PERJURY
THAT: I AM THE PETITIONER IN THE ABOVE ENTITLED ACTION;
I HAVE READ THE FOREGOING DOCUMENTS AND KNOW THE CONTENTS THEREOF AND THE SAME IS
TRUE OF MY OWN KNOWLEDGE, EXCEPT AS TO MATTERS STATED THEREIN UPON INFORMATION, AND
BELIEF, AND AS TO THOSE MATTERS, I BELIEVE THEM TO BE TRUE.

EXECUTED THIS 18TH DAY OF: MAY 2008 AT CALIPATRIA
STATE PRISON, CALIPATRIA, CALIFORNIA #92233-5002

(SIGNATURE) Tony Mabry D-90150
(DECLARANT PRISONER)

PROOF OF SERVICE BY MAIL

(C.C.P. SEC.1013 (a) & 2015.5; 28 U.S.C. SEC.1746)

I, TONY MABRY AM A RESIDENT OF CALIPATRIA STATE PRISON, IN THE COUNTY
OF IMPERIAL, STATE OF CALIFORNIA. I AM OVER THE AGE OF EIGHTEEN (18) YEARS OF AGE AND AM NOT
A PARTY OF THE ABOVE-ENTITLED ACTION. MY STATE PRISON ADDRESS IS: P.O. BOX 5002.
CALIPATRIA, CALIFORNIA #92233-5002.

ON 5-18 2008 I SERVED THE FOREGOING: PETITION for
WRIT of HABEAS CORPUS - 33-PAGES + PROOF OF SERVICE + NOTE TO CLERK.

(SET FORTH EXACT TITLE OF DOCUMENTS SERVED)

ON THE PARTY (S) HEREIN BY PLACING A TRUE COPY (S) THEREOF, ENCLOSED IN A SEALED ENVELOPE (S),
WITH POSTAGE THEREON FULLY PAID, IN THE UNITED STATES MAIL, IN A DEPOSIT BOX SO PROVIDED
AT CALIPATRIA STATE PRISON, CALIPATRIA, CALIFORNIA #92233-5002.

TO: EDWARD JS
US DC SOUTHERN DISTRICT OF CALIF.
ROOM 4290
880 FRONT STREET
SAN DIEGO CA 92101-8900

THERE IS DELIVERY SERVICE BY UNITED STATES MAIL AT THE PLACE SO ADDRESSED, AND THERE IS
REGULAR COMMUNICATION BY MAIL BETWEEN THE PLACE OF MAILING AND THE PLACE SO ADDRESSED.
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATE: 5-18-2008

Tony Mabry
(DECLARANT PRISONER)

(A P P E N D I X - A)

A: 1 thru 4

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE
4100 Main St.
Riverside, CA 92501

People of the State of California
Vs.
TONY MABRY

Case No. CR37941

MINUTE ORDER

=====

Motion Set For CORRECTION OF ABSTRACT

Date: 12/09/99 Time: 8:30 am Dept/Div: 51

=====

Charges: 1) 187 PC-F C, 2) 12021 PC-F C, 4) 246 PC-F C, 999) 667 PC-F T

Honorable J. THOMPSON HANKS Presiding.

Clerk: S RUIZ

Court Reporter: B LANE

People Represented By J. RUIZ, DDA.

Defendant Represented By CDP-J. AQUILINA.

Defendant is Not Present.

At 8:50, the following proceedings were held:

Motion By Dept of Corrections Regarding Correction of Abstract
is called for hearing.

Upon review of minute order of sentencing and
abstract

Counsel Stipulate: Minute order is correct.

Counsel Stipulate: Abstract is incorrect..

Counsel Stipulate: Count 1 on abstract should read 25 years to
life

Motion Granted.

The Court orders Abstract corrected.

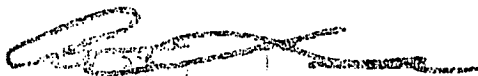
Defendant No Longer in custody for the reason: In custody of
Calif. Dept of Corrections.

****MINUTE ORDER OF COURT PROCEEDING****

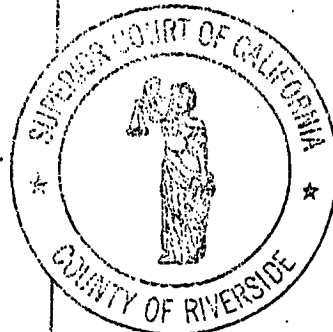
Dispo

This document is to be filed to be a
CERTIFIED COPY

Each document to which this certificate
is attached is certified to be a full,
true and correct copy of the original
on file and of record in my office


ARTHUR A. SIMS, CLERK
Superior Court of California
County of Riverside

DEC 15 1999



RECEIVED
CSP - L.A. COUNTY
RECORDS OFFICE
00 MAR 15 PM 3:15

ABSTRACT OF JUDGMENT - PRISON COMMITMENT INDETERMINATE SENTENCE

FORM CR 292

<input checked="" type="checkbox"/> SUPERIOR <input type="checkbox"/> MUNICIPAL <input type="checkbox"/> JUSTICE	COURT OF CALIFORNIA, COUNTY OF <u>RIVERSIDE</u> BRANCH OR JUDICIAL DISTRICT: <u>SUPERIOR</u>	<div style="border: 2px solid black; padding: 5px; font-weight: bold; font-size: 1.2em;">FILED</div> SUPERIOR COURT OF CALIFORNIA COUNTY OF RIVERSIDE <div style="font-size: 1.5em; font-weight: bold;">DEC 15 1999</div>
COURT (I.D.) <u>33100</u>	PEOPLE OF THE STATE OF CALIFORNIA versus: <input checked="" type="checkbox"/> PRESENT <u>CR37941</u> - A DEFENDANT: <u>TONY MABRY</u> - B AKA: <input type="checkbox"/> NOT PRESENT - C COMMITMENT TO STATE PRISON AMENDED - D ABSTRACT OF JUDGMENT ABSTRACT <input checked="" type="checkbox"/> 5TH - E	
DATE OF HEARING (MO) (DAY) (YR) <u>031993</u>	DEPT. NO. <u>62</u> COUNSEL FOR PEOPLE <u>J RUIZ</u>	JUDGE <u>ROBERT D MACOMBER</u> CLERK <u>A HATTON</u> COUNSEL FOR DEFENDANT <u>CDP-J AQUILINA</u> PROBATION NO. OR PROBATION OFFICER
REPORTER <u>G BREWER</u>	PROBATION NO. OR PROBATION OFFICER	

1. DEFENDANT WAS CONVICTED OF THE COMMISSION OF THE FOLLOWING FELONIES:

☒ ADDITIONAL COUNTS ARE LISTED ON ATTACHMENT 1 DSL290 (NUMBER OF PAGES)

COUNT	CODE	SECTION NUMBER	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION			CONVICTED BY			CONCURRENT	CONSECUTIVE	SEA STD
					MO	DAY	YEAR	JURY	TRIAL	PLEA			
<u>1</u>	<u>PC</u>	<u>187*</u>	<u>1ST MURDER</u>	<u>90</u>	<u>04</u>	<u>17</u>	<u>91</u>	<u>X</u>				<u>X</u>	

2. ENHANCEMENTS charged and found true **TIED TO SPECIFIC COUNTS** (mainly in the § 12022-series) including WEAPONS, INJURY, LARGE AMOUNTS OF CONTROLLED SUBSTANCES, BAIL STATUS, ETC.: For each count list enhancements horizontally. Enter time imposed for each or "S" for stayed or stricken. DO NOT LIST enhancements charged but not found true or stricken under § 1385. Add up time for enhancements on each line and enter line total in right-hand column.

Count	Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Total
<u>1</u>	<u>12022.5</u>	<u>5</u>									<u>5</u>

3. ENHANCEMENTS charged and found true **FOR PRIOR CONVICTIONS OR PRIOR PRISON TERMS** (mainly § 667-series) and OTHER:

List all enhancements based on prior convictions or prior prison terms charged and found true. If 2 or more under the same section, repeat it for each enhancement (e.g., if 2 non-violent prior prison terms under § 667.5(b), list § 667.5(b) 2 times). Enter time imposed for each or "S" for stayed or stricken. DO NOT LIST enhancements charged but not found true or stricken under § 1385. Add time for these enhancements and enter total in right-hand column. Also enter here any other enhancement not provided for in space 2.

Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Total
<u>667</u>	<u>5</u>									<u>5</u>

4. Defendant was sentenced to State Prison for an indeterminate term:

- A. ☐ For LIFE WITHOUT THE POSSIBILITY OF PAROLE on counts _____ C. ☐ For 15 years to life, WITH POSSIBILITY OF PAROLE on counts _____
- B. ☐ For LIFE WITH POSSIBILITY OF PAROLE on counts _____ D. ☒ For 25 years to life, WITH POSSIBILITY OF PAROLE on counts 1
- E. ☐ For other term prescribed by law on counts _____ (Specify term on separate sheet if necessary)

PLUS enhancement time shown above.

5. ☐ Indeterminate sentence shown on this abstract to be served ☐ consecutive to ☐ concurrent with any prior incomplete sentence(s).

6. Other Orders: (List all consecutive/concurrent sentence relationships, fines, etc. if not shown above)

(Use an additional page if necessary.)

7. ☒ The Court advised the defendant of all appeal rights in accordance with rule 470, California Rules of Court. (AFTER TRIAL, ONLY)

8. EXECUTION OF SENTENCE IMPOSED:

- A. ☐ AT INITIAL SENTENCING HEARING B. ☒ AT RESSENTENCING PURSUANT TO DECISION ON APPEAL C. ☐ AFTER REVOCATION OF PROBATION D. ☐ AT RESSENTENCING PURSUANT TO RECALL OF COMMITMENT (PC § 1170.6) E. ☐ OTHER _____
9. DATE OF SENTENCE PRONOUNCED (MO) (DAY) (YR) 031993 CREDIT FOR TIME SPENT IN CUSTODY 1356 INCLUDING: ACTUAL LOCAL TIME 904 LOCAL CONDUCT CREDITS 452 STATE INSTITUTIONS ☐ DMH ☐ CDC

10. DEFENDANT IS REMANDED TO THE CUSTODY OF THE SHERIFF, TO BE DELIVERED:

- ☒ FORTHWITH INTO THE CUSTODY OF THE DIRECTOR OF CORRECTIONS AT THE RECEPTION-GUIDANCE CENTER LOCATED AT: ☐ CALIF. INSTITUTION FOR WOMEN - FRONTIERA ☐ COWF-CHOWCHILLA ☒ CALIF. INSTITUTIONS FOR MEN - CHINO ☐ DEUEL VOC. INST.
- ☐ AFTER 48 HOURS, EXCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS ☐ WARDON ☐ SAN QUENTIN ☐ R.J. DONAVAN
- ☒ OTHER (SPECIFY) _____

I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY'S SIGNATURE

DATE

App: A - 2

121599

This form is prescribed under Penal Code § 1213.5 to satisfy the requirements of § 1213 for indeterminate sentences. Attachments may be used but must be referred to in this document.

Form Approved by the
Judicial Council of California
Effective January 1, 1993

ABSTRACT OF JUDGMENT - PRISON COMMITMENT - INDETERMINATE

CR 292

Pen. C. § 12135

>>class notes

1963

Gene Elliot Goldman: "I am old, fat and still practicing. How the hell did this happen? I am still married to the beautiful Bobbie, and we have seven grandchildren. I know how the hell that happened!"

G. Dana Hobart: "Still a member of the Rancho Mirage City Council. Still a 13 handicap."

Ralph Horowitz: "There is no plethora of interesting facts that I can remember 15 minutes after they happen."

Jim Rogers (LLM) is the new chancellor of the University and Community College System of Nevada, voted unanimously by the state board of regents in May.

Donald Frederick Zimmer, of Riverside, Calif., is semi-retired and is of counsel with the Riverside firm of Best, Best & Krieger, LLP. Don and wife, Cathy, spend much of their spare time visiting their three children and four grandchildren throughout California. "We send our best wishes to former classmates!" he writes.

William Perry Bennett: "I am 'semi-retired'; no office expenses, no salaries, no fringe employee benefits, etc., etc. However, I am still counseling churches and other nonprofit religious/charitable organizations. See Web site at: www.thechurchcounsel.com."

Robert D. Macomber: "I retired in 1994 from 20 years' service on the bench at the Riverside Superior Court but have worked on assignment in various courts about six months each year since. The rest of my time is spent completing honey-do lists and enjoying our grandchildren."

Kenneth A. "Kenny" Roskopf practices personal injury law in Decatur, Ga., his home for the past 20 years. He is married and has four children, two grandchildren and one great grandchild. His law practice concentrates on representing injured bicyclists. He is part of a national network of bicycle lawyers. Still bicycle racing at age 65, he finished second in the 2004 U.S. National Masters Championship Road Race in Park City, Utah. In 2001, Kenny founded a nonprofit bicycle recycling/transportation program, Decatur Valley Race Inc. www.rhikac.com which

Wendell Mortimer Jr. continues to serve as a judge of the Los Angeles Superior Court. He is assigned to the Complex Litigation Program.

John David Stoller: "CPA at 20, attorney at 25 and pilot at 64. I have a son going to USC now and another to attend in three years. Any other pilots in our class?"

Lawrence R. Young: "Still feeding the homeless and the needy at the Adams Harbor Food Kitchen since I helped found it in 1991 — even more than practicing law. Currently seven murder cases and three attempt-murder cases are keeping me busy in my large law firm. Occasionally I go sailing. I take trips to exotic places like Cambodia; they add to life."

1966

Phillip Feldman has been an attorney for 38 years and is an author and lecturer on professional liability and professional responsibility. He is board certified by the state of California, the American Bar Association, and the American Board of Professional Liability Attorneys in legal and medical malpractice. He serves as an expert witness throughout the

Criminal Calendar

Home

Calendar Date						
<	December 1999					>
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

☐ Use Calendar Control Records

Calendar Control Group: 0

Department: 51

Only Show Hearings That Have Not Been Dispositioned

Show All Hearings

Close Sort Options

Choose Up to Three Sort Criteria

(1) Defendant Name ☐ Ascending ☐

(2) Time ☐ Ascending ☐

(3) Time ☐ Ascending ☐

Display Calendar

Open Results in the Actions

☐ Page

Time	Case Number	Defendant Name	Description	Charges
------	-------------	----------------	-------------	---------

No Matches

There are no cases scheduled for 12/09/1999 in department 51.

App: a - 4

(A P P E N D I X - B)

Appendix B: 1 thru 4

ABSTRACT OF JUDGMENT - PRISON COMMITMENT

FORM DSL 290

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE
 COUNTY I.D. 33100 BRANCH RIVERSIDE

PEOPLE OF THE STATE OF CALIFORNIA versus TONY MABRY
 DEFENDANT: TONY MABRY ☒ PRESENT CR 37941 - A
 AKA: ☐ NOT PRESENT - B
 - C
 - D
 - E

COMMITMENT TO STATE PRISON
 AMENDED ABSTRACT ☒

DATE OF HEARING (MO) (DAY) (YR) 05 24 91 DEPT. NO. 07 JUDGE ROBERT D. MACOMBER CLERK R. ABILEZ

REPORTER G. BREWER COUNSEL FOR PEOPLE JOHN RUIZ COUNSEL FOR DEFENDANT JOHN AQUILINA PROBATION NO. OR PROBATION OFFICER

1. DEFENDANT WAS CONVICTED OF THE COMMISSION OF THE FOLLOWING FELONIES (OR ALTERNATE FELONY/MISDEMEANORS):
☒ ADDITIONAL COUNTS ARE LISTED ON ATTACHMENT 2 (NUMBER OF PAGES)

ADDITIONAL COUNTS ARE LISTED ON ATTACHMENT 2 (NUMBER OF PAGES)				SERVICE RELATION																
COUNT	CODE	SECTION NUMBER	CRIME	YEAR FIRST COMMITTED	DATE OF CONVICTION				CONVICTED BY			TERM (L.A.U.)	CONCURRENT	CONSECUTIVE TO FELONY	CONSECUTIVE TO M.F.V.	CONSECUTIVE TO STATE PRISON	RECEIVED SENTENCE AFTER 4	ON STATE	PRINCIPAL OR CONSECUTIVE TIME IMPOSED	
					MO	DAY	YEAR	ART. TRIAL	CRIM. TRIAL	P.L.A.	YEARS								MONTHS	
02	PC	12021	FELON W/GUN	90	04	17	91	X				U			X				0	8
04	PC	246	SHOOT AT VEHICLE	90	04	17	91	X											7	0
															</					

2. ENHANCEMENTS charged and found true TIED TO SPECIFIC COUNTS (mainly in the § 12022-series) including WEAPONS, INJURY, LARGE AMOUNTS OF CONTROLLED SUBSTANCES, BAIL STATUS, ETC.
 For each count list enhancements horizontally. Enter time imposed for each or "S" for stayed or stricken. DO NOT LIST enhancements charged but not found true or stricken under § 1385. Add up time for enhancements on each line and enter time total in right-hand column.

Count	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Total
01	12022.5PC	S									
04	12022.5(a)	S									

3. ENHANCEMENTS charged and found true FOR PRIOR CONVICTIONS OR PRIOR PRISON TERMS (mainly § 667-series) and OTHER.
 List all enhancements based on prior convictions or prior prison terms charged and found true. If 2 or more under the same section, repeat it for each enhancement (e.g., if 2 non-violent prior prison terms under § 667.5(b) list § 667.5(b) 2 times). Enter time imposed for each or "S" for stayed or stricken. DO NOT LIST enhancements charged but not found true or stricken under § 1385. Add time for these enhancements and enter total in right-hand column. Also enter here any other enhancement not provided for in space 2.

Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Total
667 PC	S									5 0
Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Total

4. INCOMPLETED SENTENCE(S) CONSECUTIVE:

COUNTY	CASE NUMBER	CREDIT FOR TIME SERVED

5. OTHER ORDERS Both Enhancements ordered stayed not stricken.

Use additional sheets of plain paper if necessary.

6. TOTAL TIME IMPOSED ON ALL ATTACHMENT PAGES (FORM DSL 290-A):

7. TIME STAYED TO COMPLY WITH 5-YEAR OR 10-YEAR LIMIT ON SUBORDINATE TERMS, DOUBLE-BASED-TERM LIMIT, ETC. (Do not include § 654 stays or discretionary stays of term for enhancements.)

8. TOTAL TERM IMPOSED: 12 8

9. EXECUTION OF SENTENCE IMPOSED:

A. ☒ AT INITIAL SENTENCING HEARING B. ☐ AT RESSENTENCING PURSUANT TO DECISION ON APPEAL C. ☐ AFTER REVOCATION OF PROBATION D. ☐ AT RESSENTENCING PURSUANT TO RECALL OF COMMITMENT (PC § 1170(d)) E. ☐ OTHER

10. DATE OF SENTENCE PRONOUNCED (MO) (DAY) (YR) 05 24 91 CREDIT FOR TIME SPENT IN CUSTODY 360 TOTAL DAYS INCLUDING: 240 ACTUAL LOCAL TIME 240 LOCAL CONDUCT CREDITS 120 STATE INSTITUTIONS ☐ DMH ☐ CDC

11. DEFENDANT IS REMANDED TO THE CUSTODY OF THE SHERIFF, TO BE DELIVERED:

☒ FORTHWITH INTO THE CUSTODY OF THE DIRECTOR OF CORRECTIONS AT THE RECEPTION-GUIDANCE CENTER LOCATED AT: ☐ CALIF. INSTITUTION FOR WOMEN - FRONTIERA ☐ CALIF. MEDICAL FACILITY - VACAVILLE ☒ CALIF. INSTITUTION FOR MEN - CHINO ☐ DEVEL VOC. INST.

☐ AFTER 48 HOURS, EXCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS ☐ OTHER (SPECIFY):

CLERK OF THE COURT

I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY'S SIGNATURE [Signature] DATE May 26, 1992

This form is prescribed under Penal Code § 1213.5 to satisfy the requirements of § 1213 for determinate sentences. Attachments may be used but must be referred to in this document.

ABSTRACT OF JUDGMENT - PRISON COMMITMENT
 FORM DSL 290

Pen.C. 1213.5

DISTRIBUTION:

PINK COPY - COURT FILE

YELLOW COPY - DEPARTMENT OF CORRECTIONS

WHITE COPY - ADMINISTRATIVE OFFICE OF THE COURTS

ABSTRACT OF JUDGMENT - PRISON COMMITMENT INDETERMINATE SENTENCE

FORM CR 292

<input checked="" type="checkbox"/> SUPERIOR <input type="checkbox"/> MUNICIPAL <input type="checkbox"/> JUSTICE		COURT OF CALIFORNIA, COUNTY OF <u>RIVERSIDE</u>	
COURT (I.D.) <u>31314001</u>		BRANCH OR JUDICIAL DISTRICT: <u>RIVERSIDE</u>	
PEOPLE OF THE STATE OF CALIFORNIA versus		<input checked="" type="checkbox"/> PRESENT <input type="checkbox"/> NOT PRESENT	
DEFENDANT: <u>TONY MABRY</u>		CR37941 - A	
AKA:		- B	
COMMITMENT TO STATE PRISON		- C	
AMENDED		- D	
ABSTRACT OF JUDGMENT		- E	
DATE OF HEARING (MO) (DAY) (YR) <u>03/18/93</u>	DEPT. NO. <u>62</u>	JUDGE <u>ROBERT D. MACOMBER</u>	CLERK <u>A. HATTON</u>
REPORTER <u>G. BREWER</u>	COUNSEL FOR PEOPLE <u>J. RUIZ</u>	COUNSEL FOR DEFENDANT <u>CDP-J. AGUILINA</u>	PROBATION OFFICER

1. DEFENDANT WAS CONVICTED OF THE COMMISSION OF THE FOLLOWING FELONIES:

☐ ADDITIONAL COUNTS ARE LISTED ON ATTACHMENT (NUMBER OF PAGES)

ADDITIONAL COUNTS ARE LISTED ON ATTACHMENT _____ (NUMBER OF PAGES)				YEAR CRIME COMMITTED	DATE OF CONVICTION			CONVICTED BY				CONCURRENT	CONSECUTIVE	ANY BSA
COUNT	CODE	SECTION NUMBER	CRIME		MO	DAY	YEAR	CONVICTED BY						
								JURY TRIAL	COURT TRIAL	PLEA				
1	PC	187*	1ST MURDER	90	04	17	91	X						

2. ENHANCEMENTS charged and found true **TIED TO SPECIFIC COUNTS** (mainly in the § 12022-series) including WEAPONS, INJURY, LARGE AMOUNTS OF CONTROLLED SUBSTANCES, BAIL STATUS, ETC. For each count list enhancements horizontally. Enter time imposed for each or "S" for stayed or stricken. DO NOT LIST enhancements charged but not found true or stricken under § 1385. Add up time for enhancements on each line and enter line total in right-hand column.

Count	Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Total
1	12022.5	5									5
4	12022.5(A)	TO RUN CONSECUTIVE									

3. ENHANCEMENTS charged and found true **FOR PRIOR CONVICTIONS OR PRIOR PRISON TERMS** (mainly § 667-series) and OTHER: List all enhancements based on prior convictions or prior prison terms charged and found true. If 2 or more under the same section, repeat it for each enhancement (e.g., 2 non-violent prior prison terms under § 667.5(b), list § 667.5(b) 2 times). Enter time imposed for each or "S" for stayed or stricken. DO NOT LIST enhancements charged but not found true or stricken under § 1385. Add time for these enhancements and enter total in right-hand column. Also enter here any other enhancement not provided for in space 2.

Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Total
667	5											5

4. Defendant was sentenced to State Prison for an indeterminate term:

- A. ☐ For LIFE WITHOUT THE POSSIBILITY OF PAROLE on counts _____
- B. ☐ For LIFE WITH POSSIBILITY OF PAROLE on counts _____
- C. ☐ For 15 years to life, WITH POSSIBILITY OF PAROLE on counts _____
- D. ☒ For 25 years to life, WITH POSSIBILITY OF PAROLE on counts 1
- E. ☐ For other term prescribed by law on counts _____
- PLUS enhancement time shown above. (Specify term on separate sheet if necessary.)

5. ☐ Indeterminate sentence shown on this abstract to be served ☐ consecutive to ☐ concurrent with any prior uncompleted sentence(s).

6. Other Orders: (List all consecutive/concurrent sentence relationships, fines, etc. if not shown above)

**DEFENDANT SENTENCED TO STATE PRISON FOR TOTAL
INDETERMINATE SENTENCE OF 42 YEARS TO LIFE.**

**THE PRIOR SENTENCE PREVIOUSLY IMPOSED ON COUNTS 1, 2, & 4 IS VACATED.
THE PRIOR SENTENCE PREVIOUSLY IMPOSED ON PRIOR 1 IS VACATED.**

(Use an additional court record.)
7. ☐ The Court advised the defendant of all appeal rights in accordance with rule 470, California Rules of Court. (AFTER TRIAL ON FROM COURT OF APPEALS.)

8. EXECUTION OF SENTENCE IMPOSED:

- A. ☒ AT INITIAL SENTENCING HEARING
- B. ☐ AT RESSENTENCING PURSUANT TO DECISION ON APPEAL
- C. ☐ AFTER REVOCATION OF PROBATION
- D. ☐ AT RESSENTENCING PURSUANT TO RECALL OF COMMITMENT (PC § 1170(d))
- E. ☐ OTHER _____

9. DATE OF SENTENCE PRONOUNCED (MO) (DAY) (YR) 03/19/93

CREDIT FOR TIME SPENT IN CUSTODY 1,356

TOTAL DAYS INCLUDING: 904

LOCAL CONDUCT CREDITS 452

STATE INSTITUTIONS ☐ DMH ☐ CDC

10. DEFENDANT IS REMAINED TO THE CUSTODY OF THE SHERIFF, TO BE DELIVERED:

- ☐ FORTHWITH
- ☐ AFTER _____ HOURS
- ☐ INTO THE CUSTODY OF THE DIRECTOR OF CORRECTIONS AT THE RECEPTION-GUIDANCE CENTER LOCATED AT:
- ☐ CALIF. INSTITUTION FOR WOMEN-FRONTIERA
- ☐ COWF-CHOWCHILLA
- ☒ CALIF. INSTITUTIONS FOR MEN-CHINO
- ☐ WASCO
- ☐ SAN QUENTIN
- ☐ R.J. DONAHAN
- ☐ OTHER (SPECIFY) _____

CLERK OF THE COURT

CLERK'S SIGNATURE
[Signature]

DATE

MAY 14, 1993

App: B - 2

This document is prepared under Penal Code § 1213.5 to satisfy the requirements of § 1213 for indeterminate sentences. Attachments may be used but must be referred to in this document.

Form prepared by the
Judicial Council of California
Effective January 1, 1993

ABSTRACT OF JUDGMENT - PRISON COMMITMENT - INDETERMINATE
CR 292

Pen. C. § 1213.5

App: B - 3

ABSTRACT OF JUDGMENT - PRISON COMMITMENT INDETERMINATE SENTENCE

FORM CR 292

<input checked="" type="checkbox"/> SUPERIOR <input type="checkbox"/> MUNICIPAL <input type="checkbox"/> JUSTICE	COURT OF CALIFORNIA, COUNTY OF <u>RIVERSIDE</u>	
COURT (I.D.) <u>33100</u>	BRANCH OR JUDICIAL DISTRICT: <u>SUPERIOR</u>	
PEOPLE OF THE STATE OF CALIFORNIA versus		<input checked="" type="checkbox"/> PRESENT
DEFENDANT: TONY MABRY		CR37941 - A
AKA:		- B
		- C
		- D
		- E
COMMITMENT TO STATE PRISON		AMENDED
ABSTRACT OF JUDGMENT		ABSTRACT <input checked="" type="checkbox"/>
DATE OF HEARING (MO) (DAY) (YR) <u>03 19 93</u>	DEPT. NO. <u>62</u>	JUDGE ROBERT D. MACOMBER
REPORTER G. BREWER	COUNSEL FOR PEOPLE J. RUIZ	CLERK A. HATTON
COUNSEL FOR DEFENDANT CDP J. AQUILINA		PROBATION NO. OR PROBATION OFFICER

1. DEFENDANT WAS CONVICTED OF THE COMMISSION OF THE FOLLOWING FELONIES:

☒ ADDITIONAL COUNTS ARE LISTED ON ATTACHMENT 1 (NUMBER OF PAGES)

DEFENDANT WAS CONVICTED OF THE COMMISSION OF THE FOLLOWING FELONIES:								DATE OF CONVICTION		CONVICTED BY				CONCURRENT	CONSECUTIVE	6A STR
ADDITIONAL COUNTS ARE LISTED ON ATTACHMENT 1 (NUMBER OF PAGES)				YEAR CRIME COMMITTED	MO	DAY	YEAR	JURY TRIAL	COURT TRIAL	PLEA						
COUNT	CODE	SECTION NUMBER	CRIME	YEAR CRIME COMMITTED	MO	DAY	YEAR	JURY TRIAL	COURT TRIAL	PLEA	CONCURRENT	CONSECUTIVE	6A STR			
1	PC	187*	1st MURDER	90	04	17	91	x								

2. ENHANCEMENTS charged and found true TIED TO SPECIFIC COUNTS (mainly in the § 12022-series) including WEAPONS, INJURY, LARGE AMOUNTS OF CONTROLLED SUBSTANCES, BAIL STATUS, ETC.: For each count list enhancements horizontally. Enter time imposed for each or "S" for stayed or stricken. DO NOT LIST enhancements charged but not found true or stricken under § 1385. Add up time for enhancements on each line and enter line total in right-hand column.

Count	Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Total
1	12022.5	5									5 0

3. ENHANCEMENTS charged and found true FOR PRIOR CONVICTIONS OR PRIOR PRISON TERMS (mainly § 667-series) and OTHER: List all enhancements based on prior convictions or prior prison terms charged and found true. If 2 or more under the same section, repeat it for each enhancement (e.g., if 2 non-violent prior prison terms under § 667.5(b), list § 667.5(b) 2 times). Enter time imposed for each or "S" for stayed or stricken. DO NOT LIST enhancements charged but not found true or stricken under § 1385. Add time for these enhancements and enter total in right-hand column. Also enter here any other enhancement not provided for in space 2.

Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Total
667	5									5 0

4. Defendant was sentenced to State Prison for an indeterminate term:

- A. ☐ For LIFE WITHOUT THE POSSIBILITY OF PAROLE on counts _____ C. ☒ For 15 years to life, WITH POSSIBILITY OF PAROLE on counts 1
- B. ☐ For LIFE WITH POSSIBILITY OF PAROLE on counts _____ D. ☐ For 25 years to life, WITH POSSIBILITY OF PAROLE on counts _____
- E. ☐ For other term prescribed by law on counts _____ (Specify term on separate sheet if necessary.)
- PLUS enhancement time shown above.

5. ☐ Indeterminate sentence shown on this abstract to be served ☐ consecutive to ☐ concurrent with any prior uncompleted sentence(s).
6. Other Orders: (List all consecutive/concurrent sentence relationships, fines, etc. if not shown above)

22 DEC 18 10:12

(Use an additional page if necessary.)

7. ☒ The Court advised the defendant of all appeal rights in accordance with rule 470, California Rules of Court, (AFTER TRIAL ONLY)

8. EXECUTION OF SENTENCE IMPOSED:

A. ☐ AT INITIAL SENTENCING HEARING B. ☒ AT RESSENTENCING PURSUANT TO DECISION ON APPEAL C. ☐ AFTER REVOCATION OF PROBATION D. ☐ AT RESSENTENCING PURSUANT TO RECALL OF COMMITMENT (PC § 1170(d)) E. ☐ OTHER _____

9. DATE OF SENTENCE PRONOUNCED (MO) (DAY) (YR) 03 19 93 CREDIT FOR TIME SPENT IN CUSTODY 1,356 TOTAL DAYS INCLUDING: ACTUAL LOCAL TIME 904 LOCAL CONDUCT CREDITS 452 STATE INSTITUTIONS ☐ CDC

10. DEFENDANT IS REMANDED TO THE CUSTODY OF THE SHERIFF, TO BE DELIVERED:

☒ FORTHWITH INTO THE CUSTODY OF THE DIRECTOR OF CORRECTIONS AT THE RECEPTION-GUIDANCE CENTER LOCATED AT: ☐ CALIF. INSTITUTION FOR WOMEN-FRONTIERA ☐ CCWF-CHOWCHILLA ☐ CALIF. INSTITUTIONS FOR MEN-CHINO ☐ R.J. DONAHAN

☐ AFTER 48 HOURS, EXCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS ☐ WASCO ☐ SAN QUENTIN ☐ OTHER (SPECIFY) _____

CLERK OF THE COURT

I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY'S SIGNATURE

DATE

App: B - 4

December 13, 1995

This form is prescribed under Penal Code § 1213.5 to satisfy the requirements of § 1213 for indeterminate sentences. Attachments may be used but must be referred to in this document.

Form Approved by the
Judicial Council of California
Effective January 1, 1993

ABSTRACT OF JUDGMENT - PRISON COMMITMENT - INDETERMINATE
CR 292

Pen. C. § 1213.5

(A P P E N D I X - C)

Appendix C: 1 thru 5

STATE OF CALIFORNIA—YOUTH AND ADULT CORRECTIONAL AGENCY

PETE WILSON, Governor

DEPARTMENT OF CORRECTIONS

Legal Processing Unit
P.O. Box 942883
Sacramento, CA 94283-0001
(916) 323-7407



April 30, 1992

Honorable Robert D. Macomber
Judge of the Superior Court
County of Riverside
4100 Main Street
Riverside, CA 92501

Re: MABRY, Tony
CDC No.: D-90450
Case No.: CR37941
Date of Sentence: May 24, 1991

Dear Judge Macomber:

A review of the documents delivered with the above-named inmate indicates the Abstract of Judgment may be in error, or incomplete, for the following reasons:

The Determinate Abstract of Judgment reflects Count 4, PC246 Shoot at Vehicle, with an upper term of seven(7) years, plus an enhancement of five(5) years pursuant to PC12022.5(a) Use of Firearm.

It is our understanding PC12022.5(a) would be an element of the offence for PC246, described in the Penal Code as, Discharge of Firearm at inhabited dwelling, vehicle, or aircraft. Therefore, it appears this enhancement should be stayed or stricken.

Please review your file to determine if a correction is required. We would appreciate your providing a certified copy of any Minute Order or modified Abstract of Judgment to this Department. May we also request the attached copy of this letter be returned with your response.

Sincerely,

SHERYL MILLER
Correctional Case Records Manager

A handwritten signature in cursive script that reads "Peggy Francisco".

By: PEGGY FRANCISCO
Correctional Case Records Specialist

Attachments

cc: District Attorney
Defense Counsel
Inmate
C-File

SM:PF:jh

App: C - 1

DEPARTMENT OF CORRECTIONS
Legal Processing Unit
P.O. Box 942883
Sacramento, CA 94283-0001
(916) 323-7402



Third

REQUEST

July 21, 1995

Honorable Robert D. Macomber
Judge of the Superior Court
County of Riverside
4100 Main Street, Room 110
Riverside, CA 92501

We have not received an answer to our first letter. In order to process the legal documents on Subject's commitment in a timely manner, we would appreciate a response by the Court as early as possible. Thank you.

10/13/95
Date

Johnny R. Galvan
Corr. Case Records Specialist

Re.: MABRY, Tony
CDC No.: D90450
Court Case No.: CR37941
Date of Sentence: March 19, 1993

INMATE'S COPY

Dear Judge Macomber:

A review of the documents received for the above-named inmate indicates the Abstract of Judgment/Minute Order may be in error, or incomplete for the following reasons:

The Abstract of Judgment reflects Count 4 enhancement PC 12022.5 Use of a Firearm with the offense on Count 4 PC 246 Shoot at Dwelling which is the element of the offense.

In addition, the Abstract of Judgment also reflects on item number 6, Other Order, "DEFENDANT SENTENCED TO STATE PRISON FOR TOTAL INDETERMINATE SENTENCE OF 37 YEARS TO LIFE." However, Count 1 has a total term of 35 years and Count 4 has a total term of 7 years which equal 42 years to Life not counting the enhancement on Count 4 PC 12022.5 which is the element of the offense. Please clarify.

We request an expeditious review of your file. If a correction is required, please provide a certified copy of the Minute Order or modified Abstract of Judgment to this Department so that our records will accurately reflect the order of the Court. May we also request the attached copy of this letter be returned with your response.

Sincerely,

DELORIS PASCHAL
Correctional Case Records Manager

By: 
JOHNNY R. GALVAN
Correctional Case Records Specialist

Attachments

cc: Defense Counsel

District Attorney

Inmate

App: C - 2

DEPARTMENT OF CORRECTIONS
Legal Processing Unit
P.O. Box 942883
Sacramento, CA 94283-0001
(916) 327-6873



November 12, 1999

The Honorable Robert D. Macomber
Judge of the Superior Court, Dept. 62
County of Riverside
4100 Main Street
Riverside, CA 92501

Re: MABRY, Tony
CDC No.: D90450
Case No.: CR37941
Date of ReSentence: March 19, 1993

Dear Judge Macomber:

A review of the documents delivered with the above-named inmate indicates the Abstract of Judgment may be in error, or incomplete, for the following reasons:

The Resentence Abstract reflects Count 1, PC 187, Murder 1st with a term of 15 years to Life imposed; however, the term for this offense is 25 years to Life. It is noted, that Count 1 was originally sentenced to 25 years to Life. Please clarify.

Please review your file to determine if a correction is required. When notified by the Department of Corrections that an illegal sentence exists, the trial court is entitled to reconsider all sentencing choices, *People v. Hill* 185 Cal.App.3d 831. We would appreciate you providing a **certified copy of any Minute Order or modified Abstract of Judgment** to this Department. May we also request the attached copy of this letter be returned with your response. If this case is under appellate review, please forward a copy of this letter to the appellate attorney.

Sincerely,

KATHY MOORE
Correctional Case Records Manager

By: ELISABETH R. RAY
Correctional Case Records Analyst

cc: District Attorney
Criminal Defense Panel
Inmate
C-File

Recd
3-15-2000
118

EGAL STATUS SUMMARY TYPE- D LAC ** DISCREPANT ** 08/06/98 01:15

CDC NUMBER D90450	NAME MABRY, TONY	ETHNIC BLA	BIRTHDATE 09/03/1968
----------------------	---------------------	---------------	-------------------------

TERM STARTS 03/19/1993	LIFE TERM STARTS 04/26/2001	MIN ELIGIBLE PAROLE DTE 12/25/2017
---------------------------	--------------------------------	---------------------------------------

ASE TERM 25/00 + ENHCMNTS 17/00 = TOT TERM 42/00 TO LIFE | PAROLE PERIOD
LIFE

PRE-PRISON + POST SENTENCE CREDITS

CASE	P2900-5	P1203-3	P2900-1	CRC-CRED	MH-CRED	P4019	P2931	POST-SENT	TOT
CR37941A	240		665			120	533		1558

NOTIFICATION REQUIRED PER PC290.2
NOTIFICATION REQUIRED PER PC3058.6

DOC. HEARING: 04/2004 DEFENSE ATTORNEY: AQUILINA, J
INIT. HEARING: 11/2016 INVESTIGATING AGENCY: PD/PERRIS

RECV DT/ COUNTY/	CASE	SENTENCE DATE	CREDIT	OFFENSE
CNT OFF-CODE DESCRIPTION			CODE	DATE

CONTROLLING PRINCIPAL & CONSECUTIVE (INCLUDES ENHANCEMENTS/OFFENSES):

-- CONTROLLING CASE --

3/19/1993	RIV	CR37941A	3/19/1993		
		01 P667(A)	01 PFC SERIOUS	1	
01 P187		MURDER 1ST		32	09/28/1990
		P12022.5(A)	02 USE F'ARM	1	
04 P246		DISCH FIRARM I/D	CS	1	09/28/1990

WTIP WAIVER	BEGINNING	CREDIT	TOTAL	TOTAL	NET
DATE	BALANCE	APPLIED	LOST	RESTORED	TOTAL
03/19/1993	1192	1702	510	0	1192

REDITS AUTO RE-VESTED PER PC-2934 : 0

TRAN	DATE	END DATE	LOG NUMBER	RULE	NUMBER	ASSESS	LOST	REST	DEAD
TYPE									

BEG 07/07/1988 *****BEG BAL*****
ADD 06/11/1991 CR37941
CURRENT PC BALANCE: 761 CURRENT BC BALANCE: 2283

ISCREPANCY AND WARNING ERRORS

08-06-1998

D90450 MABRY, TONY

ASE=CR37941A ID=C
CNT=004 TIME IMPOSED NE 1/3 MIDDLE TERM FOR 1/3 CS OFFENSE
ASE= ID=
END DATE FOR CREDIT CODE 1 IS 04/26/2001.
ASE=CR37941A ID=C
1170.1(A) NOT APPLIED OR APPLIED INAPPROPRIATELY

Further notation on (CDCR'S)
realigned computation of
petitioners term...
(Appendix: "C 4 & 5")

On (page C-4):

Realigning the original 7yr.
(principal) into 25yr.
(subordinate) term....
(25 + 7 = 32)

On (page C-5):

Realigning Cnt.-4 prin. 7yrs.
into A sub. 1/3 term of 5yrs.

(A P P E N D I X - D)

Appendix D: 1 thru 3

(2) Defendant was not adjudged a habitual criminal within the meaning of Subdivision _____ of Section 644 of the Penal Code; and the defendant is not a habitual criminal in accordance with Subdivision (c) of that Section.

(was or was not) (a or b)
(is or is not)

(3) IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the said defendant be punished by imprisonment in the State Prison of the State of California for the term provided by law, and that he be remanded to the Sheriff of the County of RIVERSIDE and by him delivered to the Director of Corrections of the State of California at CHINO, CALIFORNIA.

It is ordered that sentences shall be served in respect to one another as follows (concurrently or consecutively as to each count):

Sentence to 25 Years to Life, Counts 2 & 4 to run Consecutive to Count 1 for a Total of: 42 Years and 8 Months. (See DSL290 as to Cts 2 & 4)

and in respect to any prior incompleter sentence(s) as follows (concurrently or consecutively as to all incomplete sentences from other jurisdictions):

N/A

(4) To the Sheriff of the County of RIVERSIDE and to the Director of Corrections at the CALIFORNIA INSTITUTE FOR MEN, CHINO, CALIFORNIA pursuant to the aforesaid judgment, this is to command you, the said Sheriff, to deliver the above-named defendant into the custody of the Director of Corrections at THE CALIFORNIA INSTITUTE FOR MEN, CHINO California, at your earliest convenience.

Witness my hand and seal of said court

this 6th day of June, 1991

ARTHUR SIMS

Clerk,

by N. Martinez

N. MARTINEZ

Deputy

State of California,

County of RIVERSIDE

ss.

SEAL

I do hereby certify the foregoing to be a true and correct abstract of judgment duly made and entered on the minutes of the Superior Court in the above entitled action as provided by Penal Code Section 1213.

Attest my hand and seal of the said Superior Court this 6th day of June, 1991

ARTHUR SIMS BY: N. Martinez N. MARTINEZ, DEPUTY
County Clerk and Ex-Officio Clerk of the Superior Court of California in and for the County of RIVERSIDE

The Honorable ROBERT D. MACOMBER

Judge of the Superior Court of the State of California, in and for the County of _____

RIVERSIDE

(2) Defendant was not adjudged a habitual criminal within the meaning of Subdivision ---- of Section 644 of the Penal Code; and the defendant is not a habitual criminal in accordance with Subdivision (c) of that Section.

(was or was not)
(is or is not)

(3) IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the said defendant be punished by imprisonment in the State Prison of the State of California for the term provided by law, and that he be remanded to the Sheriff of the County of RIVERSIDE and by him delivered to the Director of Corrections of the State of California at

CHINO, CALIFORNIA

It is ordered that sentences shall be served in respect to one another as follows (concurrently or consecutively as to each count):

Count 1: Sentenced to 25 years to LIFE. Counts 2 & 4 ordered served consecutive to Count 1: TOTAL FIXED TERM -- 37 YEARS 8 MONTHS TO LIFE. (See DSL 290 amended 5-26-92)

and in respect to any prior incomplete sentence(s) as follows (concurrently or consecutively as to all incomplete sentences from other jurisdictions):

Not Applicable

(4) To the Sheriff of the County of Riverside and to the Director of Corrections at the

California Institution for Men at Chino, California

pursuant to the aforesaid judgment, this is to command you, the said Sheriff, to deliver the above-named defendant to the custody of the Director of Corrections at C.I.M., CHINO California, at your earliest convenience.

RECEIVED
LEGAL PROTECTORS
92 MAY 28 AM 10:28

Witness my hand and seal of said court

this 6th day of June, 1991

ARTHUR A. SIMS, Executive Officer and Clerk,

by S. DeHaro S. DeHaro, Deputy
State of California,

County of RIVERSIDE } ss.

I do hereby certify the foregoing to be a true and correct abstract of judgment duly made and entered on the minutes of the Superior Court in the above entitled action as provided by Penal Code Section 1213.

SEAL

Attest my hand and seal of the said Superior Court this 6th day of June, 1991.

ARTHUR A. SIMS, Executive Officer/Clerk by S. DeHaro Dep.
County Clerk and Ex-Officio Clerk of the Superior Court of California in and for the County of Riverside

The Honorable ROBERT D. MACOMBER

Judge of the Superior Court of the State of California, in and for the County of

Riverside

NOTE: If probation was granted in any sentence which abstract of judgment is certified, attach a minute order reciting the fact and imposing sentence or ordering a suspended sentence into effect.

JS44

(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing of pleadings or other papers as required by law, except as indicated by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of identifying the case and for the purpose of identifying the case and for the purpose of identifying the case.

I (a) PLAINTIFFS

Tony Mabry

L. E. Scribner

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

Imperial

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(EXCEPT IN U.S. PLAINTIFF CASES ONLY)

IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Tony Mabry
PO Box 5004
Calipatria, CA 92233
D-90450

ATTORNEYS (IF KNOWN)

'08 CV 0965 BEN LSP

II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PT | DEF | | PT | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

28 U.S.C. 2254

V. NATURE OF SUIT (PLACE AN x IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> Marine <input type="checkbox"/> Miller Act <input type="checkbox"/> Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury-Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (13958) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(e)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Tort to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input checked="" type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights			

VI. ORIGIN (PLACE AN x IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE

Docket Number

DATE 5/27/2008

SIGNATURE OF ATTORNEY OF RECORD

Rmiller